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EXAMINER

TANG, KAREN C

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2451

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/954,724	Applicant(s) SKATTER ET AL.	
	Examiner KAREN C. TANG	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/16/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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- This action is responsive to the amendment and remarks file on 07/27/09.
- Claims 1-23 are presented for further examination.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

35 U.S.C 101

Applicant argues that suitable amendment has been made to address the ground of rejection.

Examiner disagrees.

The amendment made on Claim 12 still fails to address the 101 issue. The system claims appear to consist only software modules (e.g., System that comprising an information appliance displaceable representation of a globe (software), and a logic module (software)), therefore, a system that contains only software modules is considered as a program per se, which is not one of the categories of statutory subject matter.

35. U.S.C 112 (2)

Applicant argues that according to MPEP 2111.09(IV) that the term Envooi and Globevoii is defined and clear.

Examiner disagrees.

As stated in applicant's specification (page 4, par 0022) that GlobeVoii is a trademark name for a software application. However, since GlobeVoii is a software application, and

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software application have various versions, therefore, it is unclear the metes and bounds that GlobeVoii has. Therefore, the 112(s) rejection is maintained.

Similar rationale applies to trademark term "Envoii sub-composition"

35. U.S.C 103 (Barros)

Applicant argues that the term "persistence graphical object" are not disclosed in the Barros reference.

Examiner disagrees.

1) Nowhere within applicant's specification defining the term "a persistent graphical object" nor limitation as stated in Claim 2- 3, 5, 8, 9, 13 and 14.

2) To give the reasonable interpretation of the term "a persistent graphical object", the interpretation is based on definition in American Heritage Dictionary where the term "Persistent" is defined as – "existing or remaining in the same state for an indefinitely long time."

Therefore, "a persistent graphical object" is given the interpretation of graphical object that remains in the same state for an indefinitely long time.

Barros, disclosing the software template GUI/3D globe (persistent graphical objects) presented in the browser. The software template GUI (par 0071) is located on the server for indefinitely (see par 0072) thus render persistently. Therefore, Barros disclosed the persistent graphical objects.

3) Since the instant application has not yet enable the steps of "said object having state; allowing a user to indicate relocation of said graphical object to a location outside of said initial application; and thereafter moving said graphical object to said outside location, preserving state of said graphical object" such limitation is thus rendered obvious matter.

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4) Barros disclosed the GUI is within the browser (see par 0106), since applicant has not explicitly in its instant application enable how to move said graphic object from initial application to said desktop, it is render such limitation to be obvious matter. Since browser is capable to be minimized and to be moved around on client computer screen (e.g., desktop).

5) Since the instant specification has not explicitly enable the step of how relocation maybe repeated from current location to any number of platform, such steps is render obvious matter.

6) Since the instant specification has not explicitly disclose how the "said components are preserved after relocation" nor does it enable the step of how "said connections are persistent", such steps is render obvious matter.

7) Since the instant specification has not explicitly disclosing "allowing a user to indicate relocation comprises selecting and dragging a graphical object" such limitation is render obvious matter.

8) Since the instant specification has not explicitly disclosing "said allowing a user to indicate relocation comprises discontinuously selecting a graphical object and placing said object in a new location" such limitation is render obvious matter.

9) Examiner does exam Claim 14-17, 19-21 pursuant to MPEP 2181, the limitation is interpreted based on applicant's specification. For example, according to Claim 14, the interpretation is interpreted based on application's specification par 0027 of page 4 such that Barros disclosed where said features/attributes/components/content layers (web content, refer to par 0065, 0067) on the GUI that contribute to a mapset (i.e., geographical distribution). These web contents are a set of content related to various third part (Fig. 1a, content provider).

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However, there are limitation (e.g., Claims 22), that does not appear to have supports in the specification. Therefore, those limitation (e.g., Claim 22) is render to be obvious subject matter.

Therefore, applicant's arguments are not persuasive.

Claim Objections

Claim 23 is objected because it uses acronyms in the claim language without initially providing the complete term. For example, Claim 12 recites the limitation "3D" should be first introduced as "Three Dimension"

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-13 are rejected under 35 U.S.C 101 because the system claims appear to consist only software modules, therefore, a system that contains only software modules is considered as a program per se, which is not one of the categories of statutory subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 18, 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claiming scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. Since trademarks such as GlobeVoi is a trademark software application, and have various version, the metes and bounds could not be determined due to various software application version. Therefore, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

For examining purposes, the Trademark or trade name is thus mooted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-10, 12-18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barros (US 2004/0119759) in view of Babin et al hereinafter Babin (US 5,945,985) in further view of Franco (US 6,687,745)

1. Referring to Claim 1. Barros discloses a method of presenting data over a network comprising: providing a persistent graphical object representing a rotating three dimensional

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model that depicts a plurality of geographical points and a plurality of geographical regions representative of geographical locations of a physical world (refer to par 0129); extracting a plurality of content elements from at least one data file (refer to 0079), at least one of the content elements conveying information related to at least one geographical location of the physical world (refer to 0064); superimposing the at least one content element on the graphical object at the geographical point or geographical region that is representative of the geographical location of the physical world to which the content element relates (refer to par 0092 and 0093, 0102 and 0103); presenting said graphical object in a composition accessed by an initial application, said object having state and having one or more possible external connections (refer to 0107-0122); allowing a user to indicate relocation of said graphical object to a location outside of said initial application (refer to par 0122); and thereafter moving said graphical object to said outside location, preserving state of said graphical object (refer to 0123).

Although Barros disclosed the invention substantially as claimed, Barros did not explicitly disclosing that “graphical object representing a rotating globe”

Babin, in analogous art, disclosing “a graphical object representing a rotating globe (refer to Col 4, Lines 55-67, Col 7, Lines 59-67)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros with Babin because Babin’s teaching of “graphical object representing a rotating globe” would improve Barros system remotely store information and restore the operating state (as supported by Franco, Col 4, Lines 1-5).

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2. Referring to Claim 2. Barros, Babin and Franco disclosed the method according to claim

1. Barros further discloses that wherein said graphical object, once relocated, will persist and maintain state after termination of said initial application (annotate, refer to 0129).

3. Referring to Claim 3. Barros, Babin and Franco disclosed the method according to claim

1. Barros further discloses wherein said initial application location is a web browser and said new location is a desktop provided by an operating system (refer to 0076).

4. Referring to Claim 4. Barros, Babin and Franco disclosed the method according to claim

1. Barros further discloses wherein at least some of said content elements convey at least one of the following types of information: one or more images indicating weather in various locations (refer to par 0122); and one or more links indicating news stories related to a particular location displayed on said globe.

5. Referring to Claim 5. Barros, Babin and Franco disclosed the method according to claim

1. Barros further discloses wherein said relocation may be repeated from a current location to any number of additional platforms (refer to par 0066).

6. Referring to Claim 8. Barros, Babin and Franco disclosed the method according to claim

1. Barros further discloses wherein said graphical object comprises: one or more user interface components and wherein said components are preserved after a relocation (refer to par 0070 and

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par 0101); and one or more connections to one or more external entities and wherein said connections are preserved after a relocation (refer to 0085, 0101).

7. Referring to Claim 9. Barros, Babin and Franco disclosed the method according to claim

1. Barros discloses wherein said allowing a user to indicate relocation comprises selecting and dragging a graphical object (refer to par 0070).

8. Referring to Claim 10. Barros, Babin and Franco disclosed the method according to claim

1. Barros discloses wherein said allowing a user to indicate relocation comprises discontinuously selecting a graphical object and placing said object in a new location (refer to 0097 and 0098).

9. Referring to Claim 12. Barros discloses a system presenting web content comprising: an information appliance displayable representation of a rotating three dimensional model (refer to par 0129), where the globe is displayed using 3D software rendering and wherein the globe depicts a plurality of geographical points and a plurality of geographical regions representative of geographical locations of a physical world (refer to par 0129); a logic module that projects web content onto the surface of said representation of the three dimensional model (refer to par 0129);

wherein the logic module is configured to extract a plurality of content elements from at least one data file of a separate application, at least one of the content elements conveying information related to at least one geographical location of the physical world (refer to par 0064); and wherein the logic module is configured to superimpose the at least one content element on

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the three dimensional model at the geographical point or geographical region that is representative of the geographical location of the physical world to which the content element relate (refer to par 0092, 0093, and 0102 and 0103).

Although Barros disclosed the invention substantially as claimed, Barros did not explicitly disclosing that “graphical object representing a rotating globe”

Babin, in analogous art, disclosing “a graphical object representing a rotating globe (refer to Col 4, Lines 55-67, Col 7, Lines 59-67)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros with Babin because Babin’s teaching of “graphical object representing a rotating globe” would improve Barros system remotely store information and restore the operating state (as supported by Franco, Col 4, Lines 1-5).

10. Referring to Claim 13. Barros, Babin and Franco disclosed a system according to claim

12. Barros discloses wherein said information appliance is configured to provide the representation of the three dimensional object through a web browser as embedded in a web page and can reside on an operating system desktop (refer to 0006, 0007).

Although Barros disclosed the invention substantially as claimed, Barros did not explicitly disclosing that “graphical object representing a rotating globe”

Babin, in analogous art, disclosing “a graphical object representing a rotating globe (refer to Col 4, Lines 55-67, Col 7, Lines 59-67)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros with Babin because Babin’s teaching of “graphical object

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representing a rotating globe” would improve Barros system remotely store information and restore the operating state (as supported by Franco, Col 4, Lines 1-5).

11. Referring to Claim 14. Barros, Babin and Franco disclosed a system according to claim

12. Barros further discloses comprising means for rendering web content on the three dimensional object as channels, wherein a channel is a set of related content from a content provider, an association of content providers, or a broker of web content, and wherein a content item in a channel has a geographical distribution (refer to 0067).

Although Barros disclosed the invention substantially as claimed, Barros did not explicitly disclosing that “graphical object representing a rotating globe”

Babin, in analogous art, disclosing “a graphical object representing a rotating globe (refer to Col 4, Lines 55-67, Col 7, Lines 59-67)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros with Babin because Babin’s teaching of “graphical object representing a rotating globe” would improve Barros system remotely store information and restore the operating state (as supported by Franco, Col 4, Lines 1-5).

12. Referring to Claim 15. Barros, Babin and Franco disclosed a system according to claim

14. Barros further discloses comprising means for associating the content item with points on said representation of the three dimensional object or regions on said representation of the three dimensional object (refer to par 0067).

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Although Barros disclosed the invention substantially as claimed, Barros did not explicitly disclosing that “graphical object representing a rotating globe”

Babin, in analogous art, disclosing “a graphical object representing a rotating globe (refer to Col 4, Lines 55-67, Col 7, Lines 59-67)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros with Babin because Babin’s teaching of “graphical object representing a rotating globe” would improve Barros system remotely store information and restore the operating state (as supported by Franco, Col 4, Lines 1-5).

13. Referring to Claim 16. Barros, Babin and Franco disclosed a system according to claim

14. Barros further discloses means for providing a textual window that will pop up that reveals details about the content item when a cursor is moved over the content item (refer to par 0074 and 0078).

14. Referring to Claim 17. Barros, Babin and Franco disclosed a system according to claim

14. Barros further discloses means for associating the content item with actions that are triggered when a user selects the content item (refer to 0074).

15. Referring to Claim 18. Barros, Babin and Franco disclosed a system according to claim

17. Barros further discloses wherein said actions are one or more selected from the group consisting of: opening a web browser with a URL link as a parameter (refer to 0014); bringing content to the globe with a parameter the web address of content (refer to 0093);

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Although Barros, and Babin disclosed the invention substantially as claimed, Barros, and Babin did not explicitly disclosing that “initiation of communication to another a user through email, chat, or sending an instant message.”

Franco, in analogous art, disclosing “allowing user to initiation of communication to another a user through email, chat, or sending an instant message (refer to Col 19, Lines 24-49, Col 23, Lines 30-52)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros with Babin because Babin’s teaching of “graphical object representing a rotating globe” would improve Barros system remotely store information and restore the operating state (as supported by Franco, Col 4, Lines 1-5).

16. Referring to Claim 20. Barros, Babin and Franco disclosed a system according to claim 19. Barros further discloses wherein channels reference Envooi sub-compositions configured to be added dynamically to a GlobeVoii application (refer to 0126).

17. Referring to Claim 21. Barros, Babin and Franco disclosed a system according to claim 14, Franco disclosed the system is a commercial system (see par 0062), thus, it would have been obvious for Barros to license the channel to providers on pay per channel Francos.

18. Referring to Claim 22. Barros, Babin and Franco disclosed disclosed a system according to claim 14. Barros further discloses wherein a texture map rendered on said representation of the

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three dimensional object is part of a separate 2D rendering system, said 2D rendering system comprising a local display managing system for managing repainting damages (refer to 0075).

Claim 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barros (US 2004/0119759) in view of Babin et al hereinafter Babin (US 5,945,985) in further view of Franco et al hereinafter Franco (US 6,687,745) and Fu et al hereinafter Fu (US 6,647,370).

19. Referring to Claim 23. Barros and Franco disclosed a system according to claim 14. Although Barros, Babin and Franco disclosed the invention substantially as claimed, Barros, Babin and Franco did not explicitly disclosing “wherein a representation of a globe is configured to display real time daylight illumination of Earth using 3D shading.”

Fu, in analogous art, disclosing “wherein a representation of the globe is configured to display real time daylight illumination of Earth using 3D shading (refer to Col 5, Lines 5-20)”

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barros, Franco and Fu because Fu’s teaching of “wherein a representation of the globe is configured to display real time daylight illumination of Earth using 3D shading” would improve Barros and Franco’s system by providing efficiency searching for the time zone across the Earth in order to keep up with appointments scheduled (refer to Fu, Col 2, Lines 15-45).

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Claims 6, 7, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barros (US 2004/0119759) in view of Franco et al hereinafter Franco (US 2003/0038798) in further view of Official Notice.

20. Referring to Claim 6. Barros and Franco disclosed the method according to claim 3. Barros further discloses wherein said desktop provided by an operating system is an interface of a platform, said platform is selected from a internet appliances (refer to 0068).

Although Barros and Franco disclosed the invention substantially as claimed, Barros and Franco did not explicitly disclosing that said platform selected from the groups further consists of : a windows PC, a Macintosh PC, a Unix-type operating system, a set-top box, a wireless logic appliance, an internet appliance, a personal digital assistant, or another device connected to a network

Official Notice is taken that the platform are selected from a group consists of a windows PC, a Macintosh PC, a Unix-type operating system, a set-top box, a wireless logic appliance, an internet appliance, a personal digital assistant, or another device connected to a network because these platforms are well known platforms to the one of ordinary skill in the art and that it would have obvious for one of ordinary skill in the art to implementing a system to provide all these known platforms for user to select.

21. Referring to Claim 7. Barros and Franco disclosed the method according to claim 1. Barros further discloses wherein said new location is selected from the group consisting of: a desktop provided by an operating system (refer to par 0070).

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Although Barros and Franco disclosed the invention substantially as claimed, Barros and Franco did not explicitly disclosing that the group further comprising "an application from the initial application, and a different computer platform with a different operating system"

Official Notice is taken that the platform are selected from a group consists of an application from the initial application, and a different computer platform with a different operating system because these instances are well known locations to the one of ordinary skill in the art and that it would have obvious for one of ordinary skill in the art to implementing a system to provide all these known location from various platform for user to select.

22. Referring to Claim 11. Barros and Franco disclosed the method according to claim 8. Barros discloses wherein said one or more external entities are selected from web servers (refer to 0129).

Although Barros and Franco disclosed the invention substantially as claimed, Barros and Franco did not explicitly disclosing that the external entities are further selected from the group consisting of "other applications, background processes, and other remote processes"

Official Notice is taken that the entities are selected from a group consists of other applications, background processes, and other remote processes because these entities are well known entities to the one of ordinary skill in the art and that it would have obvious for one of ordinary skill in the art to implementing a system to provide all these known entities for user to select.

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23. Referring to Claim 19. Barros and Franco disclosed a system according to claim 14.

Barros further discloses comprising means for defining channels using a software language format describing at least in terms of geographic position, click-action, and parameters for click action (refer to 0122).

Although Barros and Franco disclosed the invention substantially as claimed, Barros and Franco did not explicitly disclosing that a software language format is a XML format describing contents.

Official Notice is taken that a system can utilizing a XML format for implementing a software application because XML format content is well known in the art and it must be obvious for one of ordinary skill in the art to utilizing this particular type of software format to formulate the data content.

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-Thr 8 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karen C Tang/
Primary Examiner, Art Unit 2451